

COASTAL CONSERVANCY

Staff Recommendation

May 24, 2007

DRISCOLL'S WHARF AND TUNA HARBOR COMMERCIAL FISHERIES REVITALIZATION AND COASTAL ACCESS PLAN

File No. 07-031-1

Project Manager: Deborah Ruddock

RECOMMENDED ACTION: Authorization to disburse up to \$450,000 to the San Diego Unified Port District to prepare a commercial fisheries and coastal public access plan for Driscoll's Wharf and Tuna Harbor.

LOCATION: San Diego Bay

PROGRAM CATEGORY: Urban Waterfront Restoration and Public Access

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
 - Exhibit 2: [Photos Driscoll's Wharf](#)
 - Exhibit 3: [Photos Tuna Harbor](#)
 - Exhibit 4: [Letters of Support](#)
-

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31111, Sections 31300 through 31316 and Sections 31400 through 31409 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred fifty thousand dollars (\$450,000) to the San Diego Unified Port District (District) to prepare a commercial fisheries and coastal public access plan for Driscoll's Wharf and Tuna Harbor, subject to the following conditions:

1. The work shall not commence and no funds shall be disbursed until the Executive Officer of the Conservancy has approved in writing:
 - a. A work program, including budget and schedule.
 - b. The scope of work proposed to be used by the District to select any contractor for project work.
 - c. Any contractor that the District intends to retain to undertake project work.

2. To the extent appropriate, the District shall incorporate the guidelines of the Conservancy's 'Standards and Recommendations for Accessway Location and Development' into the aspects of the plan related to public access."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Section 31111 and Chapters 7 (Sections 31300-31316) and 9 (Sections 31300-31316) of Division 21 of the Public Resources Code.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001."
3. The proposed authorization will assist the San Diego Unified Port District in planning for a system of public accessways that will serve more than local public needs, consistent with Public Resources Code Section 31400.1."

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of up to \$450,000 to the San Diego Unified Port District (the District) to prepare a comprehensive commercial fisheries revitalization and coastal public access plan for Driscoll's Wharf and Tuna Harbor.

The commercial fishing industry has declined in the region and, as a result, facilities supporting commercial fishing have suffered from a lack of maintenance. These include docks, equipment storage and maintenance areas, infrastructure, and shoreline conditions. Driscoll's Wharf has been particularly hard hit. The antiquated design, age and deferred maintenance of the fixed piers are contributing to a condition near functional obsolescence. Commercial slip rent control required by the Coastal Commission, land use restrictions and development configuration limitations have discouraged redevelopment.

While the Port Master Plan prohibits reducing or eliminating commercial fishing facilities unless demand for the facilities no longer exists or there is lack of alternative space, the District has declining income with which to fund needed improvements. On the one hand, the District must address increased homeland security requirements, cost of living obligations, and need for general infrastructure investment to remain competitive. On the other hand, the District is trying to balance economic benefit with recreational opportunities, environmental stewardship of coastal resources, including tidelands trust resources, and public safety. Increasingly the District has sought to meet its challenges by augmenting its financial resources with grants, partnerships and other financial assistance.

The Port Master Plan (Goal IX) also calls for the District to provide public access along the 54-mile San Diego Bay shoreline wherever possible with promenades and paths where appropriate and to eliminate unnecessary barricades to access which extend into the water. The walkway that currently serves pedestrian access along the shoreline at Driscoll's Wharf in particular is encroached upon on one side by activities associated with commercial fishing, including equipment repair, and hemmed in on the other side by warehouse and other structures.

In order to address these conditions, the District now seeks Conservancy assistance to prepare a comprehensive commercial fisheries revitalization and coastal public access plan for Driscoll's Wharf and Tuna Harbor. Following Conservancy grant authorization, the District will form a stakeholders' project steering committee that will include District and other government officials, private leaseholders, representatives of commercial fishing interests, neighboring businesses and regulatory agencies. Based on committee input and public testimony gathered at noticed meetings and workshops, the committee will develop a project scope of work and request for consultant services to prepare a plan that will include the following components: public outreach; increased and enhanced public access to and along the waterfront including extension/enhancement of the San Diego Bay Trail/California Coastal Trail; analysis of economic, physical, access/circulation, and ecological/natural resources constraints; fisheries market feasibility analysis and marketing plan; and preliminary conceptual designs encompassing industry- and visitor-serving facilities, public accessways and parking, and utilities including runoff treatment. The District hopes to engage the services of a top-notch, multidisciplinary team with strengths and experience in the areas of sustainable fisheries design and implementation; fisheries infrastructure; coastal engineering; and integrated site design supporting multiple uses and new and improved transportation, business and pedestrian linkages within the local and regional context.

The District has committed to contributing a total of \$100,000 toward the project.

Site Description: Driscoll's Wharf and Tuna Harbor are sited on State public trust lands in the coastal zone held by the State Lands Commission (SLC). The SLC conveyed its responsibility for managing these tideland trust lands to the San Diego Unified Port District.

Driscoll's Wharf is a private leasehold located within the America's Cup Harbor Basin and is part of the Shelter Island area. The site is bordered by the U.S. Naval Training Base to the north, the Shelter Island peninsula and Yacht Club Basin to the south, and the Point Loma commercial village and residential community to the west. It is approximately ½ mile from San Diego International Airport and 3-1/2 miles from downtown San Diego. The wharf contains 105,634 square feet (2.43 acres) of land and 290,143 square feet (6.66 acres) of water. The landside parcel configuration is approximately 880 feet long by 120 feet wide. It features four wood-framed two-story buildings totaling approximately 35,000 square feet. Also situated on the property are a two-story storage platform, a net mending area, approximately 184 parking spaces, and a run-down shoreline walkway that is unsigned and unconnected to other segments of the Bay Trail/Coastal Trail. The water area is approximately 818-feet long by 332-feet wide. Waterside facilities include four mooring piers with capacity for approximately 123 boats and an off-loading pier that were developed in the 1940s. See photos in Exhibit 2.

The District-operated Tuna Harbor is located at the foot of G Street and is part of the Center City Embarcadero area. It is bordered by the U.S.S. Midway Aircraft Carrier Museum to the north, the U.S. Naval Supply Center redevelopment site and Harbor Seafood Mart to the east, and the Seaport Village retail center to the south. It is approximately 1-1/2 miles from the airport and part of the downtown waterfront. See photos in Exhibit 3.

Project History: Commercial fishing activity has a long history on San Diego Bay and is provided for in the Master Plan for the San Diego Unified Port District. However, like many fisheries in California, San Diego Bay's commercial fishing industry has suffered from declines in revenue and employment due to fishing pressure and a variety of regulatory, economic and

environmental factors. Regulatory changes in particular have made it difficult for many fishermen to make a living, and for ports, including the District, to maintain revenues needed to support fishing infrastructure. These factors in turn discourage new fisheries investment and new business initiatives. As a result, many worthy fisheries conservation and management projects require alternative funding sources as they cannot generate revenue. The District has sought to augment its financial resources with grants, partnerships and other financial assistance. In late 2006, the District requested Conservancy assistance to prepare a commercial fisheries revitalization and access plan. As the necessity for economically viable marine oriented uses has moved the District toward parcel consolidation and mixed use development, the proposed planning project will address how to support commercial fishing at Driscoll's Wharf and Tuna Harbor with a variety of uses and related income producing opportunities both on and off site.

PROJECT FINANCING:

Coastal Conservancy	\$450,000
San Diego Unified Port District	
Cash	50,000
In-kind services	50,000
Total Project Cost	\$550,000

The anticipated funding source is the fiscal year 2004-05 appropriation to the Conservancy from the "California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002" (Proposition 40). Proposition 40 funds may be used for the development of land resources in accordance with the provisions of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The proposed project serves to assist in the development and restoration of land-based facilities for public access and commercial fishing and, as discussed in the section found immediately below, the project is consistent with Chapters 7 and 9 of Division 21. Proposition 40 also requires the Conservancy to give priority to grant projects with matching funds. (Public Resources Code Section 5096.651). The District has committed a total of \$100,000 in cash and in-kind services to the proposed project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed authorization is undertaken pursuant to and is consistent with the Conservancy's enabling legislation, Division 21 of the Public Resources Code, specifically Section 31111, pertaining to planning grants, Chapter 7 (Sections 31300 *et seq.*) pertaining to urban waterfront restoration, and Chapter 9 (Sections 31400 *et seq.*) pertaining to public access to and along the coast.

Section 31111 authorizes the Conservancy to award grants to public agencies to fund plans and feasibility studies that implement Division 21. Under the proposed authorization, the Conservancy will grant funds to the District, a public entity, to prepare a commercial fisheries revitalization and coastal access plan that is consistent with both Chapters 7 and 9 of Division 21. The plan will provide for a balance of fishing, waterfront access and recreation, and visitor-serving uses.

The proposed planning project will be undertaken, in part, to implement Chapter 7 of Division 21, which addresses the restoration of urban waterfronts. Section 31301 states the legislative intent that projects under Chapter 7 promote restoration of the State's vital urban waterfronts. Section 31307 specifically authorizes grants to a public entity, such as the District, for this purpose. Conservancy assistance with planning for revitalization of Driscoll's Wharf and Tuna Harbor will address the needs of the commercial fishing industry for new and enhanced facilities and, thus, is fully consistent with the statutory objectives. Section 31305 provides that, in reviewing proposed waterfront restoration projects, the Conservancy should seek to promote excellence of design and stimulate projects which exhibit innovation in sensitively integrating man-made features into the natural coastal environment. Conservancy assistance with planning for revitalization of Driscoll's Wharf and Tuna Harbor will provide Conservancy staff the opportunity to ensure that the plan will promote these objectives. Finally, the proposed project meets the requirements of Section 31308 regarding local participation in urban waterfronts projects. The Conservancy's funding is leveraged through the District's commitment to providing close to 20% of the total costs. In addition, as required by Section 31308, in determining the amount of Conservancy funding, staff has considered a variety of factors, including those detailed in the "CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES" section, below.

The proposed project is also undertaken, in part, to implement Chapter 9 of Division 21, regarding public access. Section 31400 states the Legislature's intent that the Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline. In furtherance of this general objective, Section 31400.3 allows the Conservancy to aid public agencies in establishing a system of public coastal accessways and Section 31400.1 provides that the Conservancy may award grants to any public agency to develop lands for public access purposes to and along the coast, provided that the accessway will serve more than local public needs. Under the proposed authorization, the Conservancy will grant funds to the District, a public entity, to plan for integration of coastal public access to, on, and along the waterfront at Driscoll's Wharf and Tuna Harbor. These properties are suitable for this purpose because of the available waterfront access, and, due to their location, will serve not only local residents but the multitude of national and international tourists to the San Diego area. In addition, pursuant to Section 31401, the Conservancy has developed "Standards and Recommendations for Accessway Location And Development. In order to ensure that the proposed access plan is consistent with these standards, as a condition of the grant, the District will be required to incorporate the Conservancy guidelines into the planning process, as appropriate. The proposed authorization is thus consistent with and will serve to implement Chapter 9.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1, Objective C** and **Goal 2, Objective D**, the proposed authorization will enable the San Diego Unified Port District to prepare a revitalization and public access plan for Driscoll's Wharf and Tuna Harbor that will, among other things, address the updating of deteriorating infrastructure, incorporate development/enhancement of waterfront access including the California Coastal Trail/San Diego Bay Trail; and provide for water-dependent uses and facilities.

Consistent with **Goal 3, Objective A**, the proposed authorization will enable the District to prepare a revitalization and public access plan for Driscoll's Wharf and Tuna Harbor that will diversify and balance land and waterside uses and income sources.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The proposed authorization has the support of Senator Denise Ducheny, Assembly Member Lori Saldana, the Coastal Commission, Port Tenants Association, The Working Waterfront on San Diego Bay, Western Fishboat Owners' Association, American Turnboat Association, Catalina Offshore Products, San Diego Waterman's Association, San Diego County Professional Fisherman's Association, Harbor Marine Supplies, Harbor Island Fuel Dock, and California Lobster & Trap Fishermen's Association. See letters of support in Exhibit 4.
4. **Location:** The proposed authorization would fund work conducted within the coastal zone of San Diego Bay.
5. **Need:** Without Conservancy assistance, the Driscoll's Wharf will continue to deteriorate and San Diego Bay will continue to lose commercial fisherman. The District does not have sufficient financial resources to cover the cost of the project, and the wharf tenant leasehold does not generate enough income to support capital improvements.
6. **Greater-than-local interest:** Driscoll's Wharf and Tuna Harbor serve commercial fisherman from up and down the California Coast, all of whom will benefit from economic revitalization envisioned in the planning project. In addition, improved public access and safer access will benefit local residents as well as the millions of tourists who visit the area every year.

Additional Criteria:

8. **Resolution of more than one issue:** The proposed commercial fisheries revitalization and access plan will address economic revitalization, commercial fishing, and public access.
9. **Leverage:** See the "Project Financing" section above.
15. **Cooperation:** The proposed planning effort will seek and incorporate participation from the public and all interested parties.

CONSISTENCY WITH THE CALIFORNIA COASTAL ACT:

Consistent with Section 30001.5(d), the project will assure priority is given for coastal dependent and coastal related development over other development on the coast.

Consistent with Section 30703, the project will support District efforts to maintain a viable commercial fishing industry.

Consistent with Section 30001.5(c), the project will support District efforts to maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of property owners.

Consistent with Section 340210, the plan will assure that maximum access will conspicuously posted and recreational opportunities shall be provided for the public consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Consistent with Section 30214, the project will consider the use of innovative access management techniques, including but not limited to agreements with private organizations that would minimize management costs and encourage use of volunteer programs.

COMPLIANCE WITH CEQA:

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to the following sections of 14 Cal. Code of Regulations: (1) Section 15262 in that it involves only feasibility or planning studies for possible future actions which the Conservancy has not approved, adopted, or funded; and (2) Section 15306 in that it involves basic data collection, research, and resource evaluation activities which will not result in any disturbance to an environmental resource, and which will be undertaken as part of a study leading to an action which the Conservancy has not yet approved, adopted, or funded. Staff will file a "Notice of Exemption" upon Conservancy approval of the project.